

H.R. 1261***The Youth Prevention and Tobacco Harm Reduction Act*****Purpose**

- To establish a new Tobacco Harm Reduction Center within the U.S. Department of Health and Human Services to regulate tobacco products
- Improve public health by substantially reducing the disease and death associated with tobacco use through prevention, cessation and harm reduction
- To combine smoking cessation programs with harm reduction strategies in order to move smokers away from the health dangers of smoking products to smokeless tobacco products and nicotine replacement therapies which are significantly less harmful to human health
- Emphasize prevention of minors' tobacco use and increase State resources for enforcement of illegal sales and purchases
- Protects tobacco farmers and prohibits the Secretary from requiring changes to farming practices
- Provides for the protection of the Food and Drug Administration's current authorities and ensuring the FDA is not diverted from its core mission of providing for the safety and efficacy of drugs, medical devices and food

Section-by-Section**Section 1: Purposes**

- Establishes authority within the Public Health Service Act to regulate tobacco products and creates the Tobacco Harm Reduction Center in the Department of Health and Human Services; Primary Purpose of Tobacco Harm Reduction Center is to reduce death and disease associated with tobacco use and prevent the use of tobacco products by minors
- Establish national policies that ensure adult tobacco consumers have access to information about the relative risks of all tobacco products and are able to make informed health decisions
- Particular emphasis is placed on regulatory authority over cigarettes and their construction, components and constituents
- Encourage research and development of reduced risk tobacco products
- Establishes stringent adulteration and misbranded enforcement authority

Section 2: Scope and Effect**Section 3: Severability Clause****Title I: Authority of the Tobacco Harm Reduction Center****Section 4: Definitions****Section 5: Tobacco Harm Reduction Center Authority Over Tobacco Products**

- Gives authority to Center to regulate all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and any other tobacco products as deemed by Secretary to be necessary for regulation
- Defines duties and limitations of Center

Section 6: Adulterated Tobacco Products

- Defines adulterated and misbranded tobacco products and gives Tobacco Harm Reduction Center ability to pull products from market and to prevent such products from going onto the market

Section 7: Submission of Health Information to Secretary

- Requires all tobacco manufacturers to submit extensive lists of all ingredients, substances, compounds and additives by brand style to Tobacco Harm Reduction Center;
- Requires Tobacco Harm Reduction Center to determine and make public a list of harmful constituents, including smoke constituents, by brand styles; and

Section 8: Annual Registration

- Requires annual registration and submission of additional information by all tobacco manufacturers to Tobacco Harm Reduction Center

Section 9: General Provisions Respecting Control of Tobacco Products**Section 10: Methods, Facilities, and Controls to Conform**

- Directs the Secretary to issue regulations on good manufacturing practices for all tobacco manufacturers

Section 11: Exemptions and Variances**Section 12: Product Design Standards for Smoking Products**

- Requires establishment of tobacco product design standards;
- Establishes tar and nicotine ceilings for cigarettes; and
- Eliminates candy and fruit descriptors on packaging and in cigarette advertising and marketing.

Section 13: Revocation Authorities

- Gives Tobacco Harm Reduction Center authority to remove tobacco products from interstate commerce if such products pose an unreasonable risk of substantial harm to public health.

Section 14: Records and Reports on Tobacco Products

- Requires all tobacco manufacturers or importers of tobacco products to establish and maintain records, make reports, and provide information as the Secretary as requested

Section 15: Application for Review of New Smoking Products

- Requires pre-market approval of new combustible tobacco products before entering interstate commerce.

Section 16: Modified Risk Tobacco Products

- Defines and establishes stringent standards for review and approval of Modified Risk tobacco products; and
- Bans use of terms such as “light”, “ultra-light”, “low tar” on packaging, advertising and marketing of cigarettes.

Section 17: Regulation Requirement

- Requires testing and reporting of all tobacco product constituents, ingredients and additives, including smoke constituents, by brand styles.

Section 18: Preservation of State and Local Authorities**Section 19: Tobacco Products Scientific Advisory Committee**

- Establishes Scientific Advisory Committee for consultation with the Tobacco Harm Reduction Center to be composed of health care professionals, local, state, of federal government representatives, members of the general public, representatives of the tobacco manufacturing industry, representative of the small business tobacco manufacturing industry, representative of tobacco growers, expert in tobacco harm reduction, and expert in study of illicit trade of tobacco products; all members are given voting rights

Section 20: Commission to Study Advertising and Marketing of Tobacco Products

- Establishes Blue-Ribbon Commission to review and make recommendations to Congress on additional advertising and marketing restrictions for tobacco products.

Title II: Tobacco Product Warnings

Section 21: Tobacco Product Warnings; Constituent and Smoke Constituent Disclosure

- Establishes new warning labels that communicate the health risks of cigarettes and smokeless tobacco products with placement for cigarettes on front of packaging; and
- Requires ingredient disclosures and other information on all tobacco product packaging.

Title III: Prevention of Illicit Trade of Tobacco Products

Section 22: Study and Report on Illicit Trade of Tobacco Products

Title IV: Prevention of Tobacco Sales to Minors

Section 23: State Law Regarding Sale of Tobacco Products to Minors

- Imposes civil monetary penalties on any person who distributes a tobacco product to a minor (age as established under State law)
- Prohibits purchase, receipt, or possession by minors of tobacco products
- Prohibits sale of out-of-package tobacco products
- Requires tobacco retailers to post conspicuous warnings which state that it is unlawful to sell tobacco products to minors and unlawful for minors to purchase tobacco products
- Restricts self-service tobacco displays

- Prohibits the sale of tobacco products directly to consumers by mail without age verification of recipient
- Requires random, unannounced inspections of retail tobacco facilities

Section 24: Enforcement Provisions

Title V: Exports of Tobacco Products

Section 25: Tobacco Products for Export

- Provides guidelines for tobacco products manufactured for the purpose of export

Title VI: Master Settlement Agreements Funds

Section 26: Use of Payments Under the Master Settlement Agreement and Individual State Settlement Agreements

- Requires states to spend 20% of MSA settlement monies on prevention, cessation and harm reduction programs; and

Title VII: Cigarette Fire Safety Standards

Section 27: Fire Safety Standards for Cigarettes

- Encourages states to adopt New York state fire-safe standard which has to date been adopted by 36 States

Title VII: Tobacco Grower Protections

Section 28: Tobacco Grower Protection

- Prohibits the Secretary from requiring changes to farming practices